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9  
10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-944*

13 **MADGE AGNES BOYSEN**  
14 **32 Diamond E. Drive**  
**Palm Desert, CA 92260**

**A C C U S A T I O N**

15 **Registered Nurse License No. 514969**  
16 **Public Health Nurse Certificate No. 69233**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On August 25, 1995, the Board of Registered Nursing issued Registered Nurse  
25 License Number 514969 to Madge Agnes Boysen (Respondent). Respondent has also been  
26 known as Madge Agnes Lundrigan and Madge Watts. The Registered Nurse License was in full  
27 force and effect at all times relevant to the charges brought herein and expired on July 31, 2011,  
28 and has not been renewed.

3. On August 19, 2005, the Board of Registered Nursing issued Public Health Nurse Certificate Number 69233 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and expired on July 31, 2011, and has not been renewed.

## JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code (“Code”) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

## STATUTORY PROVISIONS

7. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480;  
or  
(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

8. Section 490 of the Code provides, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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1           9.     Section 493 of the Code states:

2                 Notwithstanding any other provision of law, in a proceeding conducted by  
3                 a board within the department pursuant to law to deny an application for a license  
4                 or to suspend or revoke a license or otherwise take disciplinary action against a  
5                 person who holds a license, upon the ground that the applicant or the licensee has  
6                 been convicted of a crime substantially related to the qualifications, functions, and  
7                 duties of the licensee in question, the record of conviction of the crime shall be  
8                 conclusive evidence of the fact that the conviction occurred, but only of that fact,  
                and the board may inquire into the circumstances surrounding the commission of  
                the crime in order to fix the degree of discipline or to determine if the conviction  
                is substantially related to the qualifications, functions, and duties of the licensee in  
                question.

                As used in this section, "license" includes "certificate," "permit,"  
9                 "authority," and "registration."

10           10.    Section 2761 of the Code states:

11                 The board may take disciplinary action against a certified or licensed  
12                 nurse or deny an application for a certificate or license for any of the following:

13                 (a)    Unprofessional conduct, which includes, but is not limited to, the  
                following:

14                 .....

15                 (f)    Conviction of a felony or of any offense substantially related to the  
16                 qualifications, functions, and duties of a registered nurse, in which event the  
                record of the conviction shall be conclusive evidence thereof.

17                 .....

18           11.    Section 2765 of the Code states:

19                 A plea or verdict of guilty or a conviction following a plea of *nolo*  
20                 *contendere* made to a charge substantially related to the qualifications, functions  
21                 and duties of a registered nurse is deemed to be a conviction within the meaning  
22                 of this article. The board may order the license or certificate suspended or  
23                 revoked, or may decline to issue a license or certificate, when the time for appeal  
24                 has elapsed, or the judgment of conviction has been affirmed on appeal or when  
25                 an order granting probation is made suspending the imposition of sentence,  
                irrespective of a subsequent order under the provisions of Section 1203.4 of the  
                Penal Code allowing such person to withdraw his or her plea of guilty and to enter  
                a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
                accusation, information or indictment.

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## REGULATORY PROVISIONS

12. California Code of Regulations (CCR), title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

- (a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.
- (b) Failure to comply with any mandatory reporting requirements.
- (c) Theft, dishonesty, fraud, or deceit.
- (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

13. CCR, title 16, section 1445, subdivision (b) states:

When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

## COST RECOVERY

14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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1 **CAUSE FOR DISCIPLINE**

2 **(September 13, 2002 Conviction For Battery Upon an Elder On November 17, 2011)**

3 15. Respondent has subjected her licenses to disciplinary action under Code sections  
4 490 and 2761, subdivision (f), in that she was convicted of a crime that is substantially related to  
5 the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

6 a. On September 13, 2012, in a criminal proceeding entitled *The People of*  
7 *the State of California vs. Madge Agnes Boysen, aka Madge Agnes Lundrigan, aka Madge Watts*,  
8 in Riverside County Superior Court, Indio Courthouse Complex, Larson Justice Center, case  
9 number INM1109280, Respondent was convicted on her plea of guilty of violating Penal Code  
10 (PC) section 243.25, battery upon an elder or dependent adult, a misdemeanor. Respondent was  
11 also charged with violation of PC section 242, battery, a misdemeanor, which was dismissed as a  
12 result of a plea bargain.

13 b. As a result of the conviction, Respondent was sentenced to summary  
14 probation for 12 months and ordered to pay restitution, fine, and penalty assessment, and to not  
15 have any direct or indirect contact with the victim.

16 c. The facts that led to the conviction are that on November 17, 2011,  
17 Respondent walked out of her apartment with her unleashed dog in Palm Desert, California.  
18 Respondent had for months allowed her dog to defecate on the property and did not clean up  
19 after her dog. When the dog started urinating on a plant the elderly manager of the apartment  
20 complex yelled at the dog. Thereafter, Respondent ran at the manager and started swinging her  
21 fists at his face. Respondent also scratched him and struck him several times. The manager was  
22 able to grab Respondent's hands and push her away. Respondent then returned to her apartment  
23 with her dog. The manager's ex-wife called in the attack to the 911 operator. An officer from the  
24 Riverside County Sheriff's Department responded to the scene and arrested Respondent.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
27 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

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1. Revoking or suspending Registered Nurse License Number 514969, issued to Madge Agnes Boysen;
2. Revoking or suspending Public Health Nurse Certificate Number 69233, issued to Madge Agnes Boysen;
3. Ordering Madge Agnes Boysen to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
4. Taking such other and further action as deemed necessary and proper.

DATED:

April 22, 2013

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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